

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Apollyon Kennedy-Bey,

Civil No. 16-3938 (DWF/KMM)

Plaintiff,

v.

**AMENDED  
ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Keith Ellison, *Set. of State*; Tim Walz, *Gov. of State*; Mr. Matt Bostrom; *Sheriff, Department of St. Paul*; The Adult Detention Center, *Whomever is in charge of it*; The State of Minnesota, *All Gov. Body*; and Rick Dusterhoft, *each in their official capacity*,

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Katherine M. Menendez dated October 29, 2018. (Doc. No. 32.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

**ORDER**

1. Magistrate Judge Katherine M. Menendez's October 29, 2018 Report and Recommendation (Doc. No. [32]) is **ADOPTED**.
2. The State Defendants' Motion to Dismiss (Doc. No. [9]) is **GRANTED**.

3. This action is **DISMISSED WITH PREJUDICE** on the grounds of collateral estoppel.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 29, 2019

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge